

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *RHA*

DATE: February 7, 2012

SUBJECT: Street Improvement Assessment Project, Consideration of Resolution No.1144-2012 and Ordinance No. 285-2012

ATTACHMENTS: Resolution No. 1144-2012 – A resolution determining that the public interest and necessity demand the construction and completion of street improvements, and their financing through the issuance of general obligation bonds, and

Ordinance No. 285-2012 – An ordinance calling a special election and ordering the submission of a proposition of incurring bonded debt for the purpose of the construction and completion of street improvements, to the qualified voters of the City at the special municipal election to be held on June 5, 2012.

Map of proposed street improvements

COUNCIL ACTION:

A. By motion approve Resolution No. 1144-2012, or

Take no action.

B. By motion move to declare first reading by title only of Ordinance No. 285-2012 and place the Ordinance on the February 21, 2012, Council agenda for second reading and approval, or

Take no action.

BACKGROUND:

As most citizens know firsthand the majority of City streets are badly in need of repair. Some are so deteriorated that if they are not overlaid soon they will have to be reconstructed at significantly higher costs and for which the City has not the financial resources. The cost to re-construct a city street is about ten times the cost of an asphalt overlay. Other streets need a slurry seal-coat in order to extend their useful life and prevent the need for additional costly maintenance in the near future. A County pavement study in 2010 concluded that the City had the worst rated streets in the entire County.

The reason the streets are in such a condition is simple – the City has not had adequate revenue to fund the necessary maintenance required to keep streets in fine condition. Maintenance has been deferred for too many years and now the cost of addressing the situation on a City wide basis is far beyond the financial wherewithal of the City.

Bad streets are not just a driving inconvenience; they are also a prominent factor that reduces the value of one's home abutting such a street. In some cases this cost could be in the neighborhood of \$15,000 to \$20,000 or more. Bad streets also make it more difficult to sell a home and in some cases can deter a buyer from even making an offer.

Adequate street maintenance is every citizens concern because even if your property is not located on a bad street you probably have to drive on a bad street to navigate the City and the image bad streets portrays indirectly impacts the image and value of your property.

To address this situation it is proposed to implement a Street Improvement Assessment Project.

THE STREET IMPROVEMENT ASSESSMENT PROJECT:

The proposed Street Improvement Assessment Project encompasses either providing an asphalt overlay or slurry seal-coat over about 11.5 miles of City streets constituting roughly 80% of all the streets in the City. Eliminating Wildwood Avenue, which was recently paved with federal grant funds, the percentage jumps to nearly 89 % of all other City streets.

The attached map shows which streets are proposed for an asphalt overlay or slurry seal-coat. An asphalt overlay is what was done to Wildwood Avenue as well as small sections of other City streets such as West Center Street adjacent to Firemen's Park. Although there are no examples of slurry seal-coat in the City a slurry seal-coat is a premium version of a chip seal that is typically used to extend the life of asphalt pavement.

The cost of the Street Improvement Assessment Project is estimated to be \$2,825,000. In order to complete all of the work at once, which will significantly reduce the unit cost; it is proposed that the City issue General Obligation (G.O.) Bonds. The bonds would be paid over a 15 year term by an assessment on every property in the City based on assessed value.

To reduce the project cost and therefore the assessment to property owners it is proposed that the City contribute funding in the total amount of \$825,000. The source of this funding would be \$300,000 in street reserves and \$525,000 in General Fund reserves. Consequently, only \$2,000,000 will have to be bonded and repaid by property assessments.

The City has had discussions with the United States Department of Agriculture (USDA) regarding purchasing the G.O. Bonds. The current interest rate is 3.75% which is a very low rate for 15 year funding and may not be available in future years.

The City has preliminarily estimated the annual cost, which is based on assessed value, to average homeowners in three neighborhoods: the First to Third Avenue area - \$122.00, the Ogle Avenue/Bellview Road area - \$137.00, and the Riverside Drive area - \$155.00. Actual costs for specific properties will be available in a series of neighborhood meetings to be held later in the spring. Note that the initial annual cost noted above is projected to decline every year over the 15 year term.

In order for the City to assess any property the project must be placed on the ballot for the June 5, 2012 primary election. Two thirds (66%) of the votes cast would have to support the project in order for bonds to be sold and the project implemented. Consequently, it will be solely up to the voters if this project becomes a reality.

The specific ballot measure would read:

STREET IMPROVEMENTS BOND MEASURE

"To finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to existing streets in the City of Rio Dell, in order to improve the driving surface and extend the useful life of the roadways in the most economical manner possible, shall the City of Rio Dell issue \$2 million in general obligation bonds, maturing 15 years from their issue date, and bearing interest at a rate not in excess of 4.25%?"

_____ YES _____ NO

In order to fully inform voters regarding the project and answer questions City staff would propose a series of neighborhood meetings in the spring as well as mailings.

The advantages of supporting the project include:

- 11.5 miles of poorly maintained streets will be repaired at one time improving driving conditions and better looking.
- The improved streets will be more bicycle friendly.
- The City can contribute to reducing the total cost by \$825,000 or about 30%.
- The project can be financed over 15 years at an interest rate of about 3.75%, this may not be available again.
- Significant repair of City streets will likely increase the value of most City properties.
- The project will prevent further deterioration which will cost significantly more to fix in the future and for which the City has no source of funding.

- Coupled with the streetscape improvement planned for the south end of Wildwood Avenue the project will have a marked impact on improving the image of our community.

RECOMMENDATION:

The City Manager recommends the Council approve Resolution No. 1144-2012 and declare first reading of Ordinance No. 285-2012 and place it on the February 21, 2012, Council agenda for second reading and adoption.

Note that this action by the City Council merely places the issue on the June 5, 2012, primary ballot. It is ultimately up to the voters to decide if the project is implemented.

RESOLUTION NO. 1144-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO
DELL DETERMINING THAT THE PUBLIC INTEREST AND
NECESSITY DEMAND THE CONSTRUCTION AND
COMPLETION OF STREET IMPROVEMENTS, AND THEIR
FINANCING THROUGH THE ISSUANCE OF GENERAL
OBLIGATION BONDS

WHEREAS, the City of Rio Dell (the "City") is authorized to issue general obligation bonds to finance municipal improvements pursuant to the provisions of Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code (the "Act"); and

WHEREAS, the City intends to issue general obligation bonds under and pursuant to the Act to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effective manner possible (the "Improvements"); and

WHEREAS, in order to initiate proceedings under the Act to provide for the financing of the Improvements, this Council must make certain findings and determinations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIO DELL, CALIFORNIA, does hereby resolve, declare, determine and order as follows:

Section 1. The public interest and necessity demand, and it is the intention of this Council to require the acquisition, construction and completion of the Improvements, and to issue general obligation bonds of the City to finance the cost thereof, subject to completion of the proceedings required by the Act.

Section 2. This Council hereby finds and determines that the estimated costs of the Improvements will require an expenditure by the City greater than the amount allowed for it by the annual tax levy of the City. The principal amount of general obligation bonds of the City to be issued for the Improvements will pay for the estimated cost for the Improvements.

Section 3. This resolution is adopted, and general obligation bonds of the City are to be issued, pursuant to the Act.

Passed, approved and adopted this 7th day of February, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

:

(SEAL)

ORDINANCE NO. 285-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
CALLING A SPECIAL ELECTION AND ORDERING THE SUBMISSION
OF A PROPOSITION OF INCURRING BONDED DEBT FOR THE
PURPOSE OF THE CONSTRUCTION AND COMPLETION OF STREET
IMPROVEMENTS, TO THE QUALIFIED VOTERS OF THE CITY OF RIO
DELL AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON
JUNE 5, 2012

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WHEREAS, on February 7, 2012, this City Council adopted, by a two-thirds vote of all the members of said Council, a Resolution entitled "A Resolution of the City Council of the City of Rio Dell Determining That the Public Interest and Necessity Demand the Construction and Completion of Street Improvements, and Their Financing Through the Issuance of General Obligation Bonds" (the "Resolution"); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effect manner possible (the "Improvements"), it is necessary for this Council to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at an election; and

WHEREAS, a Special Municipal Election for the City is to be held on Tuesday, June 5, 2012; and

WHEREAS, the City Council desires to submit to the voters at said election the proposition of incurring bonded indebtedness as hereinafter set forth.

Now therefore, the City Council of the City of Rio Dell does ordain as follows:

SECTION 1. That the following question shall be submitted to the voters of the City at the Special Municipal Election to be held on June 5, 2012:

STREET IMPROVEMENTS BOND MEASURE

"To finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to existing streets in the City of Rio Dell, in order to improve the driving surface and extend the useful life of the roadways in the most economical manner possible, shall the City of Rio Dell issue \$2 million in general obligation bonds, maturing 15 years from their issue date, and bearing interest at a rate not in excess of 4.25%"

_____ YES _____ NO

SECTION 2. The object and purpose of incurring the indebtedness is to finance the costs of constructing the Improvements described in the recitals to this Ordinance.

SECTION 3. The estimated cost of the portion of the costs of the Improvements to be paid for from the City's general obligations bonds is Two Million Dollars (\$2,000,000), the City having determined to contribute approximately \$850,000 of its general funds towards the cost of the Improvements. The estimated cost includes legal and other fees and the cost of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of bonds. The cost of constructing the Improvements in excess of \$2,000,000 will be paid for from other funds of the City.

SECTION 4. The amount of the principal of the indebtedness to be incurred is not to exceed Two Million Dollars (\$2,000,000).

SECTION 5. The maximum rate of interest to be paid on the indebtedness shall not be in excess of 4.25% per annum.

SECTION 6. This City Council does hereby call a special municipal election on Tuesday, June 5, 2012, and submit to the qualified voters of the City, at said Special Municipal Election, the proposition set forth in Section 1 hereof. The City proposes to acquire, construct and complete the Improvements, and to issue and sell General Obligation Bonds of the City pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code, in one or more series, in the maximum amount and for the objects and purposes set forth above, if two-thirds of all qualified voters voting on the proposition set forth above vote in favor thereof. The bonds are to be general obligations of the City, payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

SECTION 7. That in all particulars not recited in this Ordinance, the election shall be held and conducted as provided by law for holding municipal elections. That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Humboldt is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide General Election on Tuesday, June 5, 2012, and said election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

SECTION 8. Each voter to vote for the proposition and for the incurring of said indebtedness shall fill in the oval to the left of the word "YES" on the ballot below the proposition heading; and each voter to vote against the proposition and against the incurring of said indebtedness shall fill in the oval to the left of the word "NO" on the ballot below the proposition heading.

SECTION 9. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form, and manner required by law.

SECTION 10. This Ordinance shall be published once a day for at least seven days in a newspaper printed, published and circulated at least six days a week in the City, or once a week for two weeks in a newspaper printed, published and circulated less than six days a week in the City. The first of said publications shall, in either event, be within fifteen (15) days after the adoption of this ordinance. The City Clerk is hereby authorized and directed to make said publications and to transmit, for receipt no later than March 6, 2012, a certified copy of this Ordinance to the Board of Supervisors (the "Board of Supervisors") of Humboldt County (the "County"), and a copy with the County Clerk of the County and the Registrar of Voters of the County. The City Manager is hereby authorized and directed to make any changes to the text of the Measure as required to conform to any requirements the Act or the Registrar of Voters of the County.

SECTION 11. The Board of Supervisors is hereby authorized to canvass the returns of the Bond Election herein authorized.

SECTION 12. The Board of Supervisors is hereby requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the said consolidated elections.

SECTION 13. As required by Section 53410 of the Government Code, a statement in substantially the following form shall be included in the Bond measure, and the City Council covenants to comply with the reporting requirements contained in Section 53411 of the Government Code:

Accountability Measures

As required by Section 53410 of the Government Code, the following accountability measures are hereby made a part of the City's Bond Measure __ (the "Measure"):

a) The specific purpose of the bonds is to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effect manner possible;

b) The proceeds from the sale of the City's bonds will be used only for the purposes specified in the Measure, and not for any other purpose;

c) The proceeds of the Bonds will be deposited into a street improvement construction fund to be held by the City; and

d) The Finance Director of the City shall file an annual report with the City Council of the City, commencing not later than one year after the bonds have been issued, and annually thereafter until the project is complete, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the street improvement project listed in the Measure.

SECTION 14. That the City of Rio Dell recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 15. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 16. That the City Clerk is authorized, instructed and directed to have the Humboldt County Election Department procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 17. That the polls for the election shall be open at 7:00 o'clock a.m. of the day of the election and shall remain open continuously from that time until 8:00 o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 18. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

SECTION 19. This Ordinance shall become effective immediately as an ordinance relating to an election pursuant to Government Code section 36937(a) upon its adoption by two-thirds vote of all the members of this City Council.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above ordinance was introduced with the first reading waived at a regular meeting of the City Council on the 7th day of February, 2012, and passed and adopted at a regular meeting of said Council held on the 21st day of February, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Julie Woodall, Mayor

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: February 7, 2012

To: City Council

From: Kevin Caldwell, Community Development Director *EC*

Through: Ron Henrickson, City Manager *WH*

Date: January 31, 2012

Subject: Broussard General Plan and Zone Boundary Adjustment

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed General Plan and Zone boundary adjustment to reflect the approved lot line adjustment;
2. Open the public hearing, receive public input and deliberate;
3. Adopt Ordinance No. 282-2011 and Resolution No. 1141-2012 amending the plan and zoning designation of approximately 5,050 square feet from Town Center (TC) to Urban Residential (UR).
4. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post a post adoption summary (Attachment 3) of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background and Discussion

On August 25, 2010 the Planning Commission approved a lot line adjustment between APN's 053-115-004 & 006. APN 053-115-004 is designated Urban Residential (UR) and APN 053-115-006 is designated Town Center (TC). A portion (5050+/- sq. ft.) of APN 053-115-006 is proposed to be adjusted to APN 053-115-004. As a condition of approval the applicants had to

either: (1) grant an access easement through APN 053-115-004 to the adjusted area; or (2) apply for a General Plan and Zone boundary adjustment to re-designate the adjusted area from Town Center (TC) to Urban Residential (UR).

The Planning Commission considered the proposed amendments at their meeting of July 27, 2011. Your Council duly introduced the implementing Ordinance and Resolution at your meeting of January 17, 2011.

Financial Impact

The applicant is responsible for the costs associated with the proposed amendments.

Alternatives

The City Council may choose not to approve the proposed boundary amendments. Staff does not recommend this alternative.

Attachments

Attachment 1: Ordinance No. 282-2012 approving the Zone boundary adjustment and amending Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code.

Attachment 2: Resolution No. 1141-2012 approving the General Plan boundary adjustment and amending the General Plan Land Use Diagram to reflect the approved Broussard lot line adjustment.

Attachment 3: Post-Adoption Summary for Posting.

ORDINANCE NO. 282-2012

Amending Section 17.15.030 Zoning Map of the Rio Dell Municipal Code

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS on August 25, 2010 the Planning Commission approved a lot line adjustment between APN's 053-115-004 & 006; and

WHEREAS APN 053-115-004 is designated Urban Residential (UR) and APN 053-115-006 is designated Town Center (TC); and

WHEREAS a portion (5050+/- sq. ft.) of APN 053-115-006 is proposed to be adjusted to APN 053-115-004; and

WHEREAS as a condition of approval of the lot line adjustment the applicants had to either: (1) grant an access easement through APN 053-115-004 to the adjusted area; or (2) apply for a General Plan and Zone boundary adjustment to re-designate the adjusted area from Town Center (TC) to Urban Residential (UR); and

WHEREAS Garyn and Jason Broussard submitted an application for the required Plan and Zone boundary adjustment on April 5, 2011; and

WHEREAS the City has reviewed and processed the proposed Plan boundary adjustment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and process the proposed Zone boundary adjustment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and

WHEREAS the Planning Commission held a duly noticed public hearing on July 27, 2011 and conditionally approved the proposed amendments and adopted Resolution No. 40-2011 recommending approval to the City Council; and

WHEREAS the applicant's fulfilled the condition by recording the required Notice of Lot Line Adjustment and Certificate of Subdivision Compliance on December 8, 2011; and

WHEREAS the City received a copy of the recorded Notice of Lot Line Adjustment and Certificate of Subdivision Compliance on December 29, 2011; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing to consider the proposed zone boundary adjustment, at which time all interested person were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended zoning and land use map amendments; and

WHEREAS the City Council approves the recommended zoning and land use map amendments

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Zoning Map Amendment

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to re-designate the adjusted area (5050+/- square feet) from APN 053-115-006 from Town Center (TC) to Urban Residential (UR).

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on January 17, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 7th day of February 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

RESOLUTION NO. CC 1141-2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE
BROUSSARD MINOR PLAN AND ZONE BOUNDARY ADJUSTMENT:**

WHEREAS on August 25, 2010 the Planning Commission approved a lot line adjustment between APN's 053-115-004 & 006; and

WHEREAS APN 053-115-004 is designated Urban Residential (UR) and APN 053-115-006 is designated Town Center (TC); and

WHEREAS a portion (5050+/- sq. ft.) of APN 053-115-006 is proposed to be adjusted to APN 053-115-004; and

WHEREAS as a condition of approval of the lot line adjustment the applicants had to either: (1) grant an access easement through APN 053-115-004 to the adjusted area; or (2) apply for a General Plan and Zone boundary adjustment to re-designate the adjusted area from Town Center (TC) to Urban Residential (UR); and

WHEREAS Garyn and Jason Broussard submitted an application for the required Plan and Zone boundary adjustment on April 5, 2011; and

WHEREAS the City has reviewed and processed the proposed Plan boundary adjustment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and process the proposed Zone boundary adjustment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and

WHEREAS the Planning Commission held a duly noticed public hearing on July 27, 2011 and conditionally approved the proposed amendments and adopted Resolution No. 40-2011 recommending approval to the City Council; and

WHEREAS the applicant's fulfilled the condition by recording the required Notice of Lot Line Adjustment and Certificate of Subdivision Compliance on December 8, 2011; and

WHEREAS the City received a copy of the recorded Notice of Lot Line Adjustment and Certificate of Subdivision Compliance on December 29, 2011; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell approves the Broussard minor plan and zone boundary adjustment amending the General Plan Land Use Diagram to re-designate approximately 5050+/- square feet from Town Center (TC) to Urban Residential (UR).

PASSED AND ADOPTED by the City Council of the City of Rio Dell at their meeting of February 7, 2012 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on January 17, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 7th day of February 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Julie Woodall, Mayor

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 10 calendar days after the adoption of the ordinance)

Summary

On **February 7, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council adopted Ordinance No. 282-2012 and Resolution No. 1141-2012 amending Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code to re-designate approximately 5050+/- square feet from Town Center (TC) to Urban Residential (UR).

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: February 7, 2012

To: City Council

From: Kevin Caldwell, Community Development Director (K)

Through: Ron Henrickson, City Manager (RH)

Date: January 31, 2012

Subject: Lot Size Modification Provisions

Recommendation:

That the City Council:

1. Receive staff's report regarding establishing lot size modification provisions, Section 17.30.130 of the Rio Dell Municipal Code (RDMC)
2. Open the public hearing, receive public input and deliberate;
3. Introduce Ordinance No, 283-2012 amending Section 17.30.130 of the Rio Dell Municipal Code (RDMC) by establishing lot size modification provisions.
4. Continue consideration of the proposed ordinance to your meeting of February 21, 2012 for the second reading and adoption.

Background and Discussion

It was recently brought to staff's attention that the City does not have lot size modification provisions. The Planning Commission and City Council's recent action reorganizing and reformatting Chapter 17 of the Rio Dell Municipal Code provided for the future inclusion of lot size modification provisions, Section 17.30.130 of the RDMC.

The Planning Commission considered and discussed the proposed Lot Size Modification provisions at their meeting of January 25, 2012. The Commission does not recommend any revisions to the proposed provision and recommends that your Council approve the proposed amendment.

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Required Findings

1. Section 65855 of the California Government Code (CGC) requires that any proposed ordinance or amendment be consistent and compatible with an overall comprehensive view of the General Plan and any implementation programs that may be affected.

Section 1.5 of the General Plan contains standards to be adopted allowing for lot size averaging. Below is a copy of the General Plan language:

“The City shall adopt the following General Plan standards:”

“The *standards for average **minimum** lot size* are designed to maintain the building intensity and population density requirements of the General Plan while allowing some flexibility in the sizes of new or adjusted lots. These standards include: the number of parcels created shall not exceed the total number of lots permitted by the land use designation; the number of primary residences or non-residential buildings shall not exceed the number permitted by the density or FAR requirements; and the lots meet the intent of the land use designation. For example in the Suburban designation, with a one acre minimum lot size and a

density of one unit per acre, a ten acre subdivision could have no more than ten lots and not more than ten primary residences. Since the intent of the Suburban designation is to provide a mix of small scale agriculture with low density residential, attached housing would not be compatible with this designation.”

The proposed ordinance implementing lot size averaging provisions is not only consistent with the General Plan, but actually required by the General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. As part of the General Plan update the City prepared a Program Environmental Impact Report (PEIR) to evaluate the potential impacts associated with the General Plan. The proposed lot size modification provisions are consistent with an overall comprehensive view of the General Plan.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA.

Financial Impact

The City is responsible for the costs associated with the proposed ordinance. The cost is insignificant and will not result in additional budget expenditures or revisions.

Alternatives

The Planning Commission may choose not to recommend approval of the proposed ordinance. Staff does not recommend this alternative.

Attachments

Attachment 1: Recommended Lot Size Modification Provisions.

Attachment 2: Resolution No. 047 - 2012 recommending approval of the proposed amendments to the City Council.

Attachment 3: Draft Ordinance No. 283 – 2012 amending Section 17.30.130 of the Rio Dell Municipal Code (RDMC) by establishing lot size modification provisions.

Attachment 4: Pre-Adoption Summary for Posting.

Attachment 5: Post-Adoption Summary for Posting.

17.30.130 Lot Size Modifications

Exceptions to Lot Size, Lot Width and Lot Depth Standards. In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Use Permit:

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATIONS	LIMITATIONS
Minimum Lot Size	Minimum Lot Size Minimum Lot Size may be modified down to a maximum of fifty (50) percent, or 5,000 square feet, whichever is greater.	Such modification must be approved in conjunction with a subdivision or lot line adjustment. The total number of lots created by the subdivision shall not be more than that allowed by the applicable General Plan and zone designations.
Minimum Lot Width	Minimum Lot Width may be modified to a maximum of fifty (50) percent.	Minimum Lot Width shall not be modified below fifty (50) feet.
Maximum Lot Depth	Maximum Lot Depth may be modified up to a maximum of twice that permitted.	Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.



RESOLUTION NO. PC 047 - 2012

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING ESTABLISHING LOT SIZE MODIFICATION REGULATIONS, SECTION
17.30.130 OF THE RIO DELL MUNICIPAL CODE:

WHEREAS the General Plan contains standards allowing lot size averaging; and

WHEREAS the City's Zoning Regulations have not been amended to implement the General Plan's lot size averaging provisions; and

WHEREAS many jurisdictions allow lot size averaging or lot size modifications based on a property owners desire and/or situation or due to topography and other natural or man-made features ; and

WHEREAS the utilization of lot size averaging will help promote infill development; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the amendment is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council adopt Ordinance No. 283-2012 establishing Lot Size Modification regulations, Section 17.30.130 of the Rio Dell Municipal Code.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of January 25, 2012 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the Planning Commission of the City of Rio Dell on January 25, 2012 by the following vote:

AYES:	Commissioners: Millington, Chapman, Gonzales, Angeloff, Johnson
NOES:	Commissioners: None
ABSENT:	Commissioners: None
ABSTAIN:	Commissioners: None

Dave Gonzales, Chair

ATTEST:

Karen Dunham, City Clerk

ORDINANCE NO. 283 - 2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING LOT SIZE MODIFICATION REGULATIONS, SECTION 17.30.130 OF THE
RIO DELL MUNICIPAL CODE:

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the General Plan contains standards allowing lot size averaging; and

WHEREAS the City's Zoning Regulations have not been amended to implement the General Plan's lot size averaging provisions; and

WHEREAS many jurisdictions allow lot size averaging or lot size modifications based on a property owners desire and/or situation or due to topography and other natural or man-made features ; and

WHEREAS the utilization of lot size averaging will help promote infill development; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City has reviewed and processed the proposed minor text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and has been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing on January 25, 2012 to consider the proposed amendment, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended amendments; and

WHEREAS the City Council approves the recommended amendment establishing Lot Size Modification regulations, Section 17.30.130 of the Rio Dell Municipal Code; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

17.30.130 Lot Size Modifications

Exceptions to Lot Size, Lot Width and Lot Depth Standards. In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Use Permit:

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATIONS	LIMITATIONS
Minimum Lot Size	Minimum Lot Size Minimum Lot Size may be modified down to a maximum of fifty (50) percent, or 5,000 square feet, whichever is greater.	Such modification must be approved in conjunction with a subdivision or lot line adjustment. The total number of lots created by the subdivision shall not be more than that allowed by the applicable General Plan and zone designations.
Minimum Lot Width	Minimum Lot Width may be modified to a maximum of fifty (50) percent.	Minimum Lot Width shall not be modified below fifty (50) feet.
Maximum Lot Depth	Maximum Lot Depth may be modified up to a maximum of twice that permitted.	Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on February 7, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 21st day of February 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



SUMMARY FOR POSTING PRIOR TO ADOPTION OF ORDINANCE

(The summary shall be published or posted at least 10 calendar days prior to the City Councils meetings)

Summary

On **February 21, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council is scheduled to approve and adopt Ordinance No. 283 – 2012 amending Section 17.30.130 of the Rio Dell Municipal Code (RDMC) by establishing lot size modification provisions.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 10 calendar days after the adoption of the ordinance)

Summary

On **February 21, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council approved and adopted Ordinance No. 283 – 2012 amending Section 17.30.130 of the Rio Dell Municipal Code (RDMC) by establishing lot size modification provisions.


A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: February 7, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Ron Henrickson, City Manager 

Date: January 31, 2012

Subject: Yards; Section 17.30.280 Rio Dell Municipal Code

Recommendation:

That the City Council:

1. Receive staff's report regarding amending the existing "Yards" regulations to recodify provisions to allow front yard setbacks based on the average setbacks of improved lots on the same block and setback provisions for corner lots.
2. Open the public hearing, receive public input and deliberate;
3. Introduce Ordinance No, 284-2012 amending Section 17.30.280 of the Rio Dell Municipal Code (RDMC) to recodify provisions to allow front yard setbacks based on the average setbacks of improved lots on the same block and setback provisions for corner lots.
4. Continue consideration of the proposed ordinance to your meeting of February 21, 2012 for the second reading and adoption.

Background and Discussion

The City's previous zoning regulations (Ordinance 59, Section 6.21(C)) contained provisions to allow front yard setbacks based on the average setbacks of improved lots on the same block. Meaning that if the average front yard setback on the block were less than the standard 20 foot front yard setback, a property owner would be able to place any new development based on the average setback. Staff recently discovered that this provision was inadvertently omitted when

the current regulations were adopted in 2004. As such, staff is recommending that the provisions be recodified. Below is a copy of the recommend language:

"In any Residential Zone, where more than one-half of the block is occupied with buildings, the required front yard setback shall be the average of the improved sites, to a maximum of that required for the zone. Garages must meet the required front yard setback for the zone."

As indicated in the recommended language, the averaging provision does not apply to garages. Garages must meet the twenty (20) foot front yard setback requirement in order to provide adequate area to park vehicles without encroaching in to the sidewalk. Section 17.30.020 of the Rio Dell Municipal Code does contain similar language for detached accessory buildings.

17.30.020 Accessory buildings.

(5) No building shall be constructed closer to any traveled way than will provide adequate space for the traffic movement and the standing of vehicles which may be incidental to the use of the building. [Ord. 252 § 6.13, 2004.]

In addition to the "averaging" provision, the City's previous zoning regulations (Ordinance 59, Section 6.21(F)) contained provisions regarding setbacks on corner lots were also inadvertently omitted when the current zoning regulations were adopted. As such, staff is recommending that the corner lot yard setback provisions be recodified. Below is a copy of the recommended language:

"In any Residential Zone, the side yard of a corner lot shall be equal to the front yard setback if any part of the main building is within 25 feet of the rear lot line or one-half the front yard setback if all parts of the main building are more than twenty-five (25) feet from the rear lot line."

The Planning Commission considered and discussed the proposed provisions to allow front yard setbacks based on the average setbacks of improved lots on the same block and setback provisions for corner lots at their meeting of January 25, 2012. The Commission does recommend that the language of the front yard provisions be modified to require a minimum 10 foot front yard setback

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Required Findings

1. Section 65855 of the California Government Code (CGC) requires that any proposed ordinance or amendment be consistent and compatible with an overall comprehensive view of the General Plan and any implementation programs that may be affected.

There are no Goals or Policies that directly apply to the proposed amendments. All General Plans are required to facilitate planned, orderly development and ensure that any proposed development is consistent with the character of existing neighborhoods. Allowing front yard setbacks to be averaged, based on existing development on the block, does help ensure that new development is consistent with the character and location of existing development. In addition, the application of the recommended corner lot or exterior side-yard setbacks requirements has historically been applied on corner lots in the City. The recodification of the provision is consistent with the existing development of many corner lots within the City.

Therefore staff believes the proposed amendments are consistent and compatible with an overall comprehensive view of the General Plan

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. As part of the General Plan update the City prepared a Program Environmental Impact Report (PEIR) to evaluate the potential impacts associated with the General Plan. The proposed front yard setback averaging provision is consistent with an overall comprehensive view of the General Plan.

Residences are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15268 of the CEQA Guidelines and Section 21080(b)(1) of the Public Resources Code. In addition, residences are categorically exempt from CEQA pursuant to

Sections 15301 and 15303 of the CEQA Guidelines and Section 21083 and 21087 of the Public Resources Code.

The proposed amendments apply to existing parcels zoned for single family development. Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption

is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA.

Financial Impact

The City is responsible for the costs associated with the proposed amendments. The cost is insignificant and will not result in additional budget expenditures or revisions.

Alternatives

The Planning Commission may choose not to recommend approval of the proposed amendment. Staff does not recommend this alternative.

Attachments

Attachment 1: Proposed modified Yard provisions, Section 17.30.280 of the Rio Dell Municipal Code.

Attachment 2: Resolution No. 048 - 2011 recommending approval of the proposed amendments to the City Council.

Attachment 3: Draft Ordinance No. 284 – 2012 amending Title 17, 17.30.280 of the Rio Dell Municipal Code.

Attachment 4: Pre-Adoption Summary for Posting.

Attachment 5: Post-Adoption Summary for Posting.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



Title 17
Zoning and Land Use
Chapter 17.30
General Provisions and Exceptions

17.30.280 Yards.

The minimum yard requirements set out in Chapter 17.20 RDMC shall be subject to the regulations of this section.

- (1) Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet into such yards. Uncovered porches or stairways, fire escapes or landings may extend a maximum of six feet into front yards and three feet into side yards.
- (2) Detached accessory buildings may not be located within five feet of any main building, nor within five feet of a side line, nor as to encroach on any easement. Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard requirements except as follows:
 - (a) A passive solar addition to a main building, as defined herein, may be permitted in the required front, rear or side yard; provided, that no such addition shall reduce the line to less than 10 feet, nor less than five feet from a side property line, and that no such addition shall occupy more than five percent of the area of the front or rear yard, nor more than 10 percent of the side yard area.
- (3) If any building is so located on a lot that the front or rear thereof faces any side lot line, it shall be at least 10 feet from such side lot line.
- (4) Any dwelling located in a TC zone, except a dwelling over a commercial establishment, shall provide side and rear yards as required in UR zones. [Ord. 252 § 6.21, 2004.]
- (5) In any Residential Zone, where more than one-half of the block is occupied with buildings, the required front yard setback shall be the average of the improved sites, to a maximum of that required for the zone, but in no case less than 10 feet. Garages must meet the required front yard setback for the zone.
- (6) In any Residential Zone, the side yard of a corner lot shall be equal to the front yard setback if any part of the main building is within 25 feet of the rear lot line or one-half the front yard setback if all parts of the main building are more than twenty-five (25) feet from the rear lot line.

RESOLUTION NO. PC 048 - 2012

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING AMENDING YARD REGULATIONS,
SECTION 17.30.280 OF THE RIO DELL MUNICIPAL CODE:

WHEREAS the City's previous zoning regulations (Ordinance 59, Section 6.21(C)) contained provisions to allow residential front yard setbacks based on the average setbacks of improved lots on the same block; and

WHEREAS staff recently discovered that this provision was inadvertently omitted when the current regulations were adopted in 2004; and

WHEREAS many jurisdictions allow setback averaging in Residential zones; and

WHEREAS the averaging provision does not apply to garages. Garages must meet the twenty (20) foot front yard setback requirement in order to provide adequate area to park vehicles without encroaching in to the sidewalk; and

WHEREAS in addition to the "averaging" provision, the City's previous zoning regulations (Ordinance 59, Section 6.21(F)) contained provisions regarding setbacks on corner lots; and

WHEREAS the provisions regarding residential corner lot setbacks were also inadvertently omitted when the current zoning regulations were adopted; and

WHEREAS staff is recommending that the previous setback averaging and corner lot yard setback provisions be recodified; and

WHEREAS The City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the amendment is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council adopt Ordinance No. 284-2012 amending Section 17.30.280 of the Rio Dell Municipal Code to include (1) provisions to allow residential front yard setbacks based on the average setbacks of improved lots on the same block and (2) provisions for exterior side yard setbacks for corner lots.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of January 25, 2012 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the Planning Commission of the City of Rio Dell on January 25, 2012 by the following vote:

AYES:	Commissioners: Millington, Chapman, Gonzales, Angeloff, Johnson
NOES:	Commissioners: None
ABSENT:	Commissioners: None
ABSTAIN:	Commissioners: None

Dave Gonzales, Chair

ATTEST:

Karen Dunham, City Clerk

ORDINANCE NO. 284 - 2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING YARD REGULATIONS,
SECTION 17.30.280 OF THE RIO DELL MUNICIPAL CODE:

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the City's previous zoning regulations (Ordinance 59, Section 6.21(C)) contained provisions to allow residential front yard setbacks based on the average setbacks of improved lots on the same block; and

WHEREAS staff recently discovered that this provision was inadvertently omitted when the current regulations were adopted in 2004; and

WHEREAS many jurisdictions allow setback averaging in Residential zones; and

WHEREAS the averaging provision does not apply to garages. Garages must meet the twenty (20) foot front yard setback requirement in order to provide adequate area to park vehicles without encroaching in to the sidewalk; and

WHEREAS in addition to the "averaging" provision, the City's previous zoning regulations (Ordinance 59, Section 6.21(F)) contained provisions regarding setbacks on corner lots; and

WHEREAS the provisions regarding residential corner lot setbacks were also inadvertently omitted when the current zoning regulations were adopted; and

WHEREAS staff is recommending that the previous setback averaging and corner lot yard setback provisions be recodified; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the amendment is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Section 17.30.280 Yards.

The minimum yard requirements set out in Chapter 17.20 RDMC shall be subject to the regulations of this section.

(1) Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet into such yards. Uncovered porches or stairways, fire escapes or landings may extend a maximum of six feet into front yards and three feet into side yards.

(2) Detached accessory buildings may not be located within five feet of any main building, nor within five feet of a side line, nor as to encroach on any easement. Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard requirements except as follows:

(a) A passive solar addition to a main building, as defined herein, may be permitted in the required front, rear or side yard; provided, that no such addition shall reduce the line to less than 10 feet, nor less than five feet from a side property line, and that no such addition shall occupy more than five percent of the area of the front or rear yard, nor more than 10 percent of the side yard area.

(3) If any building is so located on a lot that the front or rear thereof faces any side lot line, it shall be at least 10 feet from such side lot line.

(4) Any dwelling located in a TC zone, except a dwelling over a commercial establishment, shall provide side and rear yards as required in UR zones. [Ord. 252 § 6.21, 2004.]

(5) In any Residential Zone, where more than one-half of the block is occupied with buildings, the required front yard setback shall be the average of the improved sites, to a maximum of that required for the zone, but in no case less than 10 feet. Garages must meet the required front yard setback for the zone.

(6) In any Residential Zone, the side yard of a corner lot shall be equal to the front yard setback if any part of the main building is within 25 feet of the rear lot line or one-half the front yard setback if all parts of the main building are more than twenty-five (25) feet from the rear lot line.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on February 7, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 21st day of February 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Julie Woodall, Mayor

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



SUMMARY FOR POSTING PRIOR TO ADOPTION OF ORDINANCE

(The summary shall be published or posted at least 10 calendar days prior to the City Councils meetings)

Summary

On **February 21, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council is scheduled to approve and adopt Ordinance No. 284 – 2012 amending the existing “Yards” regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC) to recodify provisions to allow residential front yard setbacks based on the average setbacks of improved lots on the same block and setback provisions for corner lots.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 10 calendar days after the adoption of the ordinance)

Summary

On **February 21, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council approved and adopted Ordinance No. 284 – 2012 amending the existing “Yards” regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC) to recodify provisions to allow residential front yard setbacks based on the average setbacks of improved lots on the same block and setback provisions for corner lots.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
February 7, 2012**

TO: Mayor and Members of the City Council
FROM: Rick Chicora, Wastewater Superintendent
THROUGH: Ron Henrickson, City Manager ~~WAA~~
DATE: February 1, 2012
SUBJECT: Sewer Ordinance

RECOMMENDATION

Receive staff report, open public hearing and receive public input, and make a motion to introduce and conduct first reading (by title only) of the updated Sewer Ordinance #286-2012.

BACKGROUND AND DISCUSSION

Last year the City was required to implement a Sanitary Sewer Management Plan by the State Water Resource Control Board. This plan has several goals that we must meet. One of those is to create a FOG (Fats, Oils and Grease) Program and adding it to the Sewer Ordinance. There were also some updates to the pretreatment and inspection sections of the ordinance.

An additional proposed change increases the non-owner resident deposit from \$30.00 to \$200.00 (reference 13.10.230 (2) – page 21). Unfortunately, over the past several years tenants vacate premises without paying their bill. Although the City utilizes a collection agency this is costly and not always successful resulting in a write-off and higher costs to all other responsible customers. By increasing the deposit to equal approximately 2 1/2 months of the average monthly bill it should result in significantly lower write-offs and no cost of collection. The \$30.00 deposit has been in force since at least 1987. This change only effects new accounts and has no impact on existing customers.

ATTACHMENTS:

Ordinance No. 286-2012